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MAY 13 2011

DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE



STATE OF WASHINGTON APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM

NOTE: THIS FORM IS **ONLY** TO BE USED FOR THE
ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

64-SWC-02276-A (G4*02975CWRIS)

(Check all that apply.)

- ☐ Lease
☒ Purchase
☐ Donation
☐ Other

Explain: _____

☐ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE ____/____/____
END DATE ____/____/____

| FOR OFFICE USE ONLY | |
|---|-------------------------|
| FILE No. <u>64-SWC-2276-A</u> | WRIA <u>49</u> |
| DATE ACCEPTED <u>05/31/2011</u> | BY <u>[Signature]</u> |
| FEE \$ <u>0</u> | REC'D <u>05/13/2011</u> |
| CHECK No. <u>[Signature]</u> | |
| SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt | |

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information:

| | | |
|---|-----------------------------|---------------------------|
| APPLICANT/BUSINESS NAME Washington Water Trust | PHONE NO. (509) 925-5600 | FAX NO. (509) 925-5603 |
| ADDRESS 222 East 4th Ave, Suite 109 | | |
| CITY Ellensburg | STATE WA | ZIP CODE 98926 |
| CONTACT NAME (IF DIFFERENT FROM ABOVE) Greg McLaughlin | PHONE NO. (509) 925-5600 | FAX NO. (509) 925-5603 |
| ADDRESS 222 East 4th Ave, Suite 109 | | |
| CITY Ellensburg | STATE WA | ZIP CODE 98926 |

2. Water Right Information:

| | |
|---|-----------------------------------|
| WATER RIGHT OR CLAIM NUMBER 64-SWC-02276-A (G4*02975CWRIS) | RECORDED NAME(S) N.M. Delfield |
| DO YOU OWN THE RIGHT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS: Sheila Crowder PO Box 271 Okanogan, WA 98840 | |
| HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS | |

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

| FOR OFFICE USE ONLY | |
|--|---------------------------|
| WATER RIGHT NO. _____ | FILE (contract) NO. _____ |
| <u>64*02975CWRIS</u> | |
| <u>02975</u> <u>02805</u> <u>02276</u> | |
| <u>64-SWC-2276-A</u> | |

Purchase

S

| | |
|--|---|
| <input type="checkbox"/> Alteration in method of diversion | <input type="checkbox"/> Alteration in water use/ irrigated acreage |
| <input type="checkbox"/> Alteration in method of delivery/conveyance | <input type="checkbox"/> Nonuse of one or more points of diversion |
| <input type="checkbox"/> Alteration in method of water application | <input checked="" type="checkbox"/> Nonuse of all or a portion of the named water right |
| <input type="checkbox"/> Alteration in type of crop | <input type="checkbox"/> Other, Explain below: |
| Name of funding source(s): Confederated Tribes of the Colville Reservation | |

WATER RIGHT DESCRIPTION ☒

3. Point(s) of Diversion/Withdrawal:

A. Existing

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|--------|-------|---|---|------|------|------|------------|---------------|
| well | Lot 7 | | | 3 | 33 | 26 | 3326030070 | <u>334236</u> |
| | | | | | | | | |
| | | | | | | | | |

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

4. Purpose of Use:

A. Existing Use of the Water Right

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE |
|----------------|------------|------------|--------------------------------|
| Irrigation | 200 gpm | 120 | "during the irrigation season" |
| | | | |
| | | | |
| | | | |

B. Proposed Purpose of the Trust Water Right:

| DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST: | |
|--|--------------|
| PURPOSE OF USE | ACRE-FEET/YR |
| Instream flow – Primary Reach | 120 |
| Instream flow- Secondary Reach | 63.5 |

5. Place of Use:

A. Existing:

| LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED: | | | | | | | |
|---|---|------|-------|-------|----------|--|------------|
| Lots 7 and 8 and 11 totaling 30 acres in sec. 7, Twp. 35 N., Rge. 37 E.W.M, according to the plat thereof on file and of record in the office of the Auditor of Okanogan County | | | | | | | |
| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
| | | 7 | 35 N. | 37 E. | Okanogan | 3326030070 3326030071 3326030072 3326031006 3326030073 | 30 |
| DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME: Sheila Crowder | | | | | | | |

Parcel # 73 not in layer - 3326030070

☒ If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.

6. Place of Use (continued)

B. Proposed:

| IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED |
|--|
| Primary Reach: The Okanogan River, from a point located 1,452 ft east and 302 ft south to a point located 1,077 ft east and 2,112 ft south of the NW corner of Sec. 7, T. 35 N., R. 37 E.W.M. |
| Secondary Reach: From a point located 1,077 ft east and 2,112 ft south of the NW corner of Sec. 7, T. 35 N., R. 37 E.W.M. to the confluence of the Okanogan and Columbia River. |

6. Remarks and Other Relevant Information:

Washington Water Trust is requesting a transfer (change) to this irrigation water right to instream use on behalf of Sheila Crowder in perpetuity. This is part of a land and water transaction conducted via funds from the Colville Treaty Fish Accord funds provided to the Confederated Tribes of the Colville Reservation by the Bonneville Power Administration.

This Change Application seeks to effectuate a transfer of up to 200 gpm and 120 af/year of the water right to be used exclusively for instream flows and enhancement and maintenance of fisheries as allowed under RCW Chapters 90.03, 90.42 and 90.54. This is being filed concurrently with SWC 0448 (S4-01915CWRIS). Water use changes associated with this application will provide environmental benefits to the Upper Columbia Steelhead ESU by providing critical cool water refugia via side channel and onsite habitat improvements on the property and in the neighboring side channel. Thus this transfer should receive expedited processing under WAC 173-152-050(2)(b) and (3)(a).

Sheila Crowder would like to place all of the water associated with certificate number SWC – 02276-A into the Trust Water Right Program, included as Exhibit A. This right currently authorizes the use of 200 gpm of Okanogan River water for the irrigation of 30 acres via a certificated groundwater right. This water right has historically been used to irrigate pasture and hay. The well log is attached as Exhibit B. We have attached a beneficial use summary in Exhibit C to delineate calculations of beneficial use from pump records according to guidance provided by Ecology. Photos of the property are also included in Exhibit D. Aerial photos have been provided in Exhibit E to help corroborate past beneficial use. A signed Landowner Agreement is included in Exhibit F indicating the intent to trust the water.

Washington Water Trust intends to protect this trust water right as instream flow in the Okanogan River, and will publish public notice in the Omak Chronicle. An affidavit of publication will be mailed to Ecology's Central Regional Office upon receipt.

List of Exhibits

Exhibit A: Water Rights

Exhibit B: Well Log

Exhibit C: Summary Report of Beneficial Use Assessment

Exhibit D: Aerial Photos of Property

Exhibit E: 2006 Aerial Photography File Demonstrating Beneficial Use from 2007

Exhibit F: – Copy of Signed Landowner Contract to sell Water Rights

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

7. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.


(Applicant)

5, 16, 11
(Date)